IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3193 OF 2007

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Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

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Mr. R.M.Joshi for the petitioner.

Mr. V.S. Kapse for respondent Nos. 2 and 4.

Mr. P. I. Khemani, AGP for respondent Nos. 1 and 3.

CORAM : ANOOP V. MOHTA,J.

DATED : 9th July, 2007

P.C.

1. The petitioner has challenged the impugned order Exh. "P" dated 05/04/2007 whereby the Divisional Joint Registrar, Mumbai has directed the petitioner to deposit 50% amount due with respondent No.2 society, in view of compliance of Sub-Section (2) (A) of Section 154 of the M.C.S. Act-1960. The challenge is basically to the

recovery certificate under Section 101 of the said Act.

2. Considering the facts and circumstances of the case, and without expressing anything on the merits of the matter, though contended by the learned counsel appearing for the petitioner that her liability is only to the extent of Rs.19,484/-. The learned counsel appearing for respondent Nos. 2 and 4 and the learned counsel appearing for respondent Nos. 1 and 3 however, opposed the same. The revision just cannot be heard without the requisite deposit as per the impugned notice of the order. In the facts and circumstances of the case, where admittedly, the petitioner has already deposited Rs.1,50,000/- (Rupees one lac fifty thousand only) and now ready to deposit further

Rs.50,000/- within two weeks with respondent No.2.

3. In view of this, the subject to deposit Rs.50,000/- as referred above, the Divisional Joint Registrar will hear this Revision expeditiously, preferably within three months.

4. Resultantly, if the petitioner fails to deposit the said amount within two weeks as referred above, the present petition shall stand dismissed automatically without reference to the further order. The respondents are at liberty to take appropriate steps in accordance with law in case of above default.

5. The Writ Petition is disposed of, accordingly.

6. No cost.

[ANOOP V. MOHTA, J.]